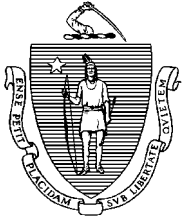


SENATE NO. 1354



AN ACT REGARDING THE PREVENTION OF ILLEGAL GUN TRAFFICKING AND GUN VIOLENCE AMONG YOUTH IN THE COMMONWEALTH

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. The executive department of public safety shall adopt regulations for the criminal
2 history systems board within said department to establish an electronic data base consistent with the
3 provisions of section 128 ½ of chapter 140 of the General Laws.

4 SECTION 2. The secretary of public safety shall study the development of an Interstate
5 Commission to establish an interstate compact to promote uniform procedures to combat illegal gun
6 trafficking between states. The report of such study and recommended legislation for the
7 establishment thereof shall be filed with the joint committee on public safety not later than December
8 31, 2007.

9 SECTION 3. The secretary of public safety shall require that persons issued licenses under
10 section 122 or section 122B of chapter 140 of the General Laws be required to install and maintain

11 security systems to keep secure firearms and other weapons and ammunition kept in connection with
12 the operation of such licenses. Said study may include draft regulations for minimum security
13 standards. The report of such study and recommended regulations shall be filed with the joint
14 committee on public safety not later than December 31, 2007.

15 SECTION 4. The secretary of public safety shall organize and implement a public awareness
16 campaign to educate the public relative to illegal firearms possession, carrying and trafficking and the
17 requirement to register firearms.

18 SECTION 5. Chapter 6 of the General Laws, as appearing in the 2004 Official Edition, is
19 hereby amended by inserting after section 172I the following section:-

20 Section 172J. Notwithstanding section 172, or any other general or special law to the contrary,
21 persons licensed pursuant to sections 122 or 122B of chapter 140 shall obtain all available criminal
22 offender record information and juvenile data as found in the court activity record information from
23 the criminal history systems board within the executive office of public safety of all employees and
24 volunteers prior to employment or volunteer service. Information obtained under this section shall not
25 be disseminated for any purpose other than to further the protection of the public.

26 SECTION 6 The first paragraph of section 123 of said chapter 140, as so appearing, is hereby
27 amended by adding the following clause:-

28 Twenty-two, That no licensee shall employ or accept as a volunteer any person in connection
29 with the operation of a license issued under section 122 who has been convicted or adjudicated as
30 youthful offender for the commission of any felony or adjudicated a delinquent child by reason of the
31 commission of any offense that is a felony if committed by an adult.

32 SECTION 7. Section 123 of chapter 140 of the General Laws, as so appearing, is hereby
33 amended by inserting after the word "device.", in line 247, the following words:- No person licensed

34 under section 122 or section 122B shall sell or otherwise transfer to any person more than 15 firearms
35 during any 1 year period, except by devise or trust. Sales or transfers that occur at any time during
36 such year, whether the sales or transfers amount to 15 in the course of a single transaction or amount to
37 15 sales or transfers in the aggregate during the course of a year, shall constitute a violation of this
38 section.

39 SECTION 8. Said section 128A of said chapter 140, as so appearing, is hereby further
40 amended by inserting after the word “director”, in line 28, the following words:- , and the licensing
41 authority.

42 SECTION 9. Said chapter 140, is hereby further amended by inserting after section 128A the
43 following section:-

44 Section 128A½. The criminal history systems board within the executive office of public
45 safety, in consultation with the department of state police within the executive office of public safety
46 shall establish and maintain an electronic database of all reports received pursuant to section 128A and
47 section 131R shall make the information contained therein available to municipal, state and federal
48 law enforcement agencies.

49 SECTION 10. Section 128B of said chapter 140, as so appearing, is hereby amended by
50 inserting after the word “receives”, in line 8, the following words:- or keeps for any period of time.

51 SECTION 11. Said section 128B of said chapter 140, as so appearing, is hereby further
52 amended by inserting after the word “board”, in line 12, the following words:- and the licensing
53 authority.

54 SECTION 12. Said section 128B of said chapter 140, as so appearing, is hereby further
55 amended by striking out, in lines 14 and 15, the words “Whoever violates any provision of this
56 section” and inserting in place thereof the following words:- Whoever, being unauthorized to make

57 such sale or transfer or whoever sells or makes such transfer to person unauthorized to receive such a
58 weapon in violation of this section or section 128A shall be punished by imprisonment for not less
59 than 2 ½ years in the house of correction or not more than imprisonment for 5 years in state prison.
60 Whoever fails to make such report with the licensing authority and the criminal history systems board
61 within the executive office of public safety, within 7 days of such sale or transfer,.

62 SECTION 13. Said chapter 140 is hereby further amended by inserting after section 128B the
63 following section:-

64 Section 128C. Whoever not being licensed under section 122 and who purchases or otherwise
65 accepts and keeps within the commonwealth for any period of time more than 15 firearms during any
66 1 year period shall be punished by not more than 5 years in state prison and the licensing authority
67 shall suspend any license or identification card issued under this chapter to such person for a period
68 not to exceed 3 years. This section shall not apply to firearms bequeathed through trust or devise.

69 SECTION 14. Chapter 140 of the General Laws is hereby amended by inserting after section
70 129C the following section:-

71 Section 129C 1/2. Any person or entity that inherits a firearm, rifle or shotgun by trust or
72 devise, may sell, transfer or deliver such weapon to a licensed dealer or to another if the transferee is
73 legally permitted to purchase or take possession of such weapon or, within 180 days of receiving such
74 weapon through trust or devise, the recipient thereof shall obtain the relevant firearms identification
75 card or license to carry. Whoever violates this section shall be punished by a fine of not less than
76 \$1,000 nor more than \$10,000.

77 SECTION 15. Said chapter 140 of the General Laws, is hereby further amended by inserting
78 after 131P the following section:-

79 Section 131Q. Any person: (1) who is licensed under section 122, section 122B or under
80 section 131 or to whom is issued a firearms identification card or who has received a rifle, shotgun or
81 firearm by trust or devise; and (2) who fails to report that a rifle, shotgun or firearm owned, possessed
82 or under such person's control is lost or has been stolen, and such person knows that the weapon is
83 either lost or stolen, to the licensing authority and the executive director to the criminal history
84 systems board within the executive office of public safety, shall be punished by imprisonment in the
85 house of correction for not more than 2 ½ years and a fine of not less than \$1,000 nor more than
86 \$5,000.

87 SECTION 16. Chapter 265 of the General Laws is hereby amended by inserting after section
88 18C the following section:-

89 Section 18D. Whoever, by means of discharging a rifle, shotgun, firearm, large capacity
90 weapon, machine gun or sawed-off shotgun, assaults another shall be punished by imprisonment in the
91 state prison for not more than 5 years.

92 SECTION 17. Subsection (a) of section 10 of chapter 269 of the General Laws, as so
93 appearing, is hereby amended by striking out, in line 5, the words "(1) being present in or on his
94 residence or place of business; or".

95 SECTION 18. Section 58A of chapter 276 of the General Laws, as so appearing, is hereby
96 amended by inserting after the words "ninety-four C", in line 17, the following words:-, an offense of
97 possession or carrying a firearm, large capacity weapon, machine gun or sawed-off shotgun or any
98 assault or any assault and battery by means of a firearm, large capacity weapon, machine gun or
99 sawed-off shotgun.

100 SECTION 19. Said section 2 of said chapter 64 of the acts of 2006 is hereby further amended
101 by inserting after item 8100-0101 the following item:-

102 8100-XXXX. For expanding the criminal ballistics fingerprinting database maintained by the
103 department of state police and to make such database information available, through appropriate
104 means, to federal, municipal and other law enforcement agencies, as allowed by law for the
105 investigation of cases involving ballistics
106 evidence.....\$200,000

107 SECTION 20. Notwithstanding any general or special law to the contrary, there shall be a
108 pilot program in Bristol county, subject to appropriation, to establish a specially designated “gun
109 court” for the purposes of making gun prosecutions a priority and to bring such cases to disposition
110 more swiftly. The Bristol county district attorney, the trial court department and the probation
111 department shall designate personnel to court sessions dedicated solely to cases in which firearms,
112 rifles, shotguns, machine guns or large capacity weapons or ammunition are involved.

113 SECTION 21. Notwithstanding section 172, or any other general or special law to the
114 contrary, within 6 months of the effective date of this act persons licensed pursuant to sections 122 of
115 chapter 140 shall obtain all available criminal offender record information and juvenile data as found
116 in the court activity record information from the criminal history systems board within the executive
117 office of public safety of all current employees hired before the effective date of this act. Information
118 obtained under this section shall not be disseminated for any purpose other than to further the
119 protection of the public.